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Attorneys for Defendants
UNUM GROUP (formerly known as
UNUMPROVIDENT CORPORATION),
UNUM CORPORATION (a now non-existent
entity, properly referred to as Unum Group)
and METLIFE INSURANCE COMPANY
(successor in interest by merger to
NEW ENGLAND MUTUAL
LIFE INSURANCE COMPANY)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CLAUDIA L. BLAKE

Plaintiff,

vs.

UNUMPROVIDENT CORPORATION;
UNUM CORPORATION, NEW ENGLAND
MUTUAL LIFE INSURANCE COMPANY,
COMMISSIONER OF THE CALIFORNIA
DEPARTMENT OF INSURANCE, and DOES
1 through 20 inclusive,
Defendants.

Case No.: C07-4366 MHP

**[PROPOSED] ORDER DENYING
PLAINTIFF'S MOTION TO REMAND**

Date: November 19, 2007

Time: 2:00 p.m.

Courtroom: 15

Accompanying Papers:

- 1. Declaration of Susan Roth**
- 2. Declaration of Michelle Backus**
- 3. Request for Judicial Notice**
- 4. Points and Authorities**

1 Plaintiff's motion to remand came on regularly for hearing. Appearances of counsel are
2 as reflected in the minutes of the Court.

3 Defendants have established that the named defendant, the Commissioner of the
4 California Department of Insurance, is a sham defendant because the fifth cause of action for
5 writ of mandamus is not viable as a matter of law, the Plaintiff does not have standing to pursue
6 the remedy she seeks against the Commissioner, and the statute of limitations has long since run
7 on a claim arising out of the issuance of her insurance policy. Defendants having satisfied all
8 other grounds for removal,
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10 IT IS HEREBY ORDERED THAT:

11 Plaintiff's motion to remand is denied.
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14 DATED: November __, 2007
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17 UNITED STATES DISTRICT JUDGE
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